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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/718,815

11/24/2003

Jeong-Wook Seo

46049

3442

7590

11/18/2009

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EXAMINER

NEGRON, WANDA M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

11/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|--|---|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 10/718,815</p> | <p>Applicant(s) SEO ET AL.</p> | |
| | <p>Examiner WANDA M. NEGRON</p> | <p>Art Unit 2622</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Sinh Tran/
Supervisory Patent Examiner, Art Unit

Wanda Negron

Continuation of 11. :

Applicant's arguments regarding the 35 USC § 112, second paragraph have been fully considered, and are persuasive. The 35 USC § 112 rejection of claim 14 has been withdrawn. However, Applicant's arguments regarding the prior art rejection have been fully considered but they are not persuasive.

Applicant alleges on page 17 that "Anderson does not teach or suggest the step of coding the captured image signals into image data units based upon a frame size in a combined signal storing mode". However, the examiner maintains that performing a JPEG coding operation on a one-frame, e.g. still, image (i.e., generating JPEG data 464'; see col. 1, lines 35-43 wherein a digital camera conventionally stores captured images in a compressed form, e.g., JPEG data, which would inherently be generated in order to be stored as such JPEG data in memory) is considered performing a coding operation on the image. For purposes of appeal, US 5,781,242 (col. 1, lines 14-45) would be presented as evidence that a JPEG coding operation of a still frame inherently involves coding of that one-frame size. It is further noted that the specification as filed supports the above position by the examiner in that the coding operation performed is a JPEG coding operation (see Applicant' specification as filed, page 20, lines 26-31).

In addition, Applicant argues that "Anderson does not teach or suggest the step of coding audio signals into audio data units according to the image data units". The examiner maintains that Anderson clearly discloses coding audio signals into audio data units according to the image units, i.e., recording digital sound data associated to JPEG 464' in sound field 474; see figure 9 and col. 7, lines 4-12. It is noted that figure 9 is drawn to a second embodiment wherein the JPEG data has a reference number 464'. However, when referring to figure 9 in col. 7, lines 4-12, the reference number 464 is used instead. Since Anderson describes JPEG 464' as corresponding to JPEG data 464 of the first embodiment (see col. 6, lines 28-36), it would be reasonable to interpret reference number 464 (as mentioned in col. 7, lines 4-12 referring to figure 9) as the image data units 464'.

Applicant further argues that Anderson does not teach or suggest combining the image data units and audio data units, storing combined data units in the memory, separating the image and audio units via the image headers, and decoding and reproducing the image and audio data units. The examiner respectfully disagrees. Anderson discloses combining the image data units and audio data units, i.e., generating an expanded file including sound field 474 and JPEG 464' (see figure 9 and col. 7, lines 4-12), and storing combined data units in the memory (i.e., storing the expanded file in an inherent memory device, e.g., memory 354 for storing image data; see col. 3, lines 60-67). Anderson also discloses accessing selected combined data, separating the image and audio units via the image headers, and decoding and reproducing the image and audio data units. More specifically, Anderson discloses that, after selecting one of the displaying cells 420, the expanded file 470 is accessed and the image data (which is conventionally generated from a JPEG image file using the JPEG header/markers) is fully displayed while the sound is played (see col. 7, lines 5-12). For purposes of appeal, US 5,528,293 (col. 5, lines 29-43) would be presented as evidence that is inherent that in JPEG decoding the image data is generated from a JPEG image file using the JPEG header/markers. Since the image file is decoded, the image and data units would be separated.

For the foregoing reasons, the rejection is still deemed proper and has been maintained.